

**EXAMINER'S AMENDMENT**

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with James K. Folker on September 30, 2010.

The application has been amended as follows:

Non-elected claims 30-38 have been cancelled.

2. The following changes to the drawings have been approved by the examiner and agreed upon by applicant: in figure 8, change the legend from "Prior Art" to Comparative Example. In order to avoid abandonment of the application, applicant must make these above agreed upon drawing changes.

3. The following is an examiner's statement of reasons for allowance: The structure as claimed in claim 22 in its entirety was not found in or suggested by the prior art.

The arguments submitted in the Appeal Brief, specifically, the arguments entitled "A. Applicant's Figure 8, Which The Examiner Relied Upon As Admitted Prior Art, Is Actually A Comparative Example Of The Present Invention That Was Provided To Demonstrate The Behavior Of A Device Lacking Key Features Of The Present Invention, And Is Thus Not Actually "Prior Art" Available For A §103 Rejection." was persuasive.

Any comments considered necessary by applicant must be submitted no later

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than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrie R. Lund whose telephone number is (571) 272-1437. The examiner can normally be reached on Monday-Friday (9:00 am -5:00 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Parviz Hassanzadeh can be reached on (571) 272-1435. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jeffrie R. Lund/  
Primary Examiner  
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JRL  
9/30/2010